

Ser. No.: 09/578,192
Art Unit: 3624

11

Printed 8/16/2005

REMARKS

A 3-way restriction requirement under 35 USC § 121 was given by the Examiner and a provisional election made for group I, claims 1-29. Claims 1-11 and 14-19 were rejected under 35 USC § 103(a) as obvious over Paskowitz, (US Pat. No. 6,377,937).

5

Claims 12 and 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- 10 Applicant elects for prosecution group I, claims 1-29. Claims 30-32 (group II) and claims 33-34 (group III) are being canceled as directed by the Examiner. Applicant withdraws any traverse.

PRIOR ART REJECTIONS - 103: PASKOWITZ

- 15 Claims 1-11 and 14-19 were rejected under 35 USC § 103(a) as obvious over Paskowitz, (US Pat. No. 6,377,937).

Paskowitz discloses a tree-like structure that contains taxonomy or classification terms for products. A user can perform a "computer word search" (claims 1-4) or Boolean search on this tree to find matching classification terms:

- 20 performing a computer word search based on a cited characteristic of a product or service; (col 12, lines 19-20)

The matches are cross-linked to products that meet these classification terms. The user (buyer) is then presented with products that have matching classification terms.

25

Price is just one of the many possible classification terms in Paskowitz's tree:

- 30 Descriptive Data--data characterizing an existing product or service. Characteristics include dimensions, color, function, reliability, material content, delivery schedule and price. These data are cited by a producer or seller of a product or service. (col. 3, line 66 - col 4 line 3)

Ser. No. 09/578,192
Art Unit: 3624

12

Printed 8/16/2005

In contrast, Applicant's attribute trees capture differential pricing of a trading partner (TP) for many different attributes:

5 The system also provides a mechanism to achieve differential pricing based upon attributes and their values. For each attribute value, a Delta is assigned which basically describes what the TP would pay if the product that the TP buys or sells includes this attribute value. The Delta is simply described as a number that could translate to money or any other quantifiable entity. For instance, a traveler may be willing to pay 50\$ more for an airline ticket that involves 0 stops or 50\$ less for a ticket for each stop that the flight involves. (Spec. page 9, lines 16-22)

10 A differential price or "delta value" is provided for each attribute on a tree. An airline flight with an attribute of 1-stop would be worth \$50 less than a flight with an attribute of 0-stops for the traveler in the above example.

Claim 2 recites that each branch of the tree has both an attribute name and a delta value:
15 wherein each branch of the attribute tree specifies an attribute, including an attribute name, an attribute value, and a delta value.

Applicant is not able to find any association of values with classification terms in Paskowitz. Instead, Paskowitz teaches that his tree contains classification terms, and price
20 is one of those classification terms, rather than pairing each classification term with a price.

Claim 4 recites a root of the tree, and that the root specifies a base product. Applicant is not able to find such limitations in Paskowitz.

25 Claim 5 recites that each node in the tree includes the delta value. Applicant is not able to find this limitation in Paskowitz. In contrast, Paskowitz teaches that nodes in his tree are linked to a companion dictionary of terms (definitions):

30 Each node in the taxonomy model tree is identified with a unique index key derived from a pre-defined index key code, and is linked via the same unique index key, to a companion dictionary of terms 120, which contains definitions for all the terms included in the tree. (col. 4 lines 52-57)

Summing of Delta Values Along Path In Tree Not Taught or Suggested

Further, claim 5 recites that a final true-value of the final product is generated by adding
35 the baseline value to a sum of all delta values along a path in the attribute tree from the

Ser. No. 09/578,192
Art Unit: 3624

13

Printed 8/16/2005

root to a leaf for the final product. Applicant is not able to find such summing of delta values along a path in the tree in Paskowitz.

Claims 17 and 25 recite summing delta values or generating a sum of the delta values.

- 5 Applicant is not able to find generating a sum in Paskowitz.

Independent Claims 14, 25

Independent claim 14 recites a store of product attributes:

- 10 attribute means for storing product-attributes that specify products within the product family, the products varying according to product-attributes:

Claim 14 also recites receiving delta values from a user. These delta values represent differences in values of products as perceived by the user:

- 15 input means for receiving delta values from a user, the delta values representing differences in values of products in the product family, the products varying according to the product-attributes, the delta values representing differences in value perceived by the user for the product specified by the product-attributes:

- 20 Finally, claim 14 also recites that these user-inputted delta values are attached to the product-attributes:

value attach means, coupled to the input means and to the attribute means, for attaching the delta values to the product-attributes to form a user attribute-store,

Thus claim 14 recites that the user-inputted delta values are attached to product attributes.

- 25 Applicant is not able to find these limitations in the cited Paskowitz reference. Paskowitz does not associate delta values with product attributes in his tree. Instead, Paskowitz stores classification terms in his tree. One of his classification terms is price, while classification terms that are not price do not have any value or delta value associated with them. Therefore Paskowitz does not render claim 14 and its dependents obvious.

30

Independent claim 25 recites receiving delta values for each attribute:

- 35 for each attribute in the list of attributes, receiving a delta value from the trading partner for the attribute, the delta value indicating an additional value the trading partner places on the product when the base product is modified by the attribute, the delta values being trading partner-specified;

Ser. No. 09/578,192
Art Unit: 3624

14

Printed 8/16/2005

Paskowitz does not teach receiving delta values for each attribute. Instead, Paskowitz teaches a tree of taxonomy (classification) terms, and price is one of these classification terms. Thus Paskowitz does not render claim 25 and its dependents obvious.

Claim 1 Recites Comparing of Two Trees

5

Claim 1 recites both an attribute tree for the buyer and an attribute tree from the seller for the product. Paskowitz does not teach or suggest separate trees for buyer and seller.

Instead, Paskowitz teaches one tree of classification terms that is sub-divided into four domains:

10 The characteristics taxonomy is structured into four domains of form, fit, function, and administrative data, and permits identification of products and services that can be located without the system user knowing the type of product or service or the source of the product or service. (col 3 lines 14-20, see also col 5, line 49 to col 6 line 15)

15 Price data is located in the administrative domain, not in the form, fit, or function domains:

Administrative Data Domain: Characteristics that do not fit into one of the other domains. These characteristics include price information, source identification information, and delivery data. (col 6 lines 6-9)

20

Claim 1 further recites an attribute-tree analyzer that receives both buyer and seller attribute trees, and compares delta values from the two attribute trees to determine an optimal specification of the product:

25 an attribute-tree analyzer, receiving an attribute tree for the buyer and an attribute tree from the seller for the product, for comparing the delta values from the buyer with the delta values from the seller for a plurality of attributes that modify the product, the attribute-tree analyzer selecting an optimal specification of the product, the optimal specification including a series of the attributes:

30 Applicant is not able to find a tree analyzer than compares trees in Paskowitz, nor is Applicant able to find comparing delta values from 2 trees in Paskowitz. Therefore Paskowitz does not render claim 1 and its dependents obvious.

35 In view of the above, it is submitted that claims 1-29, as previously amended, are in a position for allowance. This application was filed with formal drawings that have not been amended. Applicant believes that a full and complete response to the office action

Ser. No. 09/578.192
Art Unit: 3624

15

Printed 8/16/2005

has been made. Reconsideration and re-examination is respectfully requested. Allowance of the claims at an early date is solicited.

If the Examiner believes that a telephone interview would expedite prosecution of this
5 application, he is invited to telephone the undersigned at (831) 476-5506.

Stuart T. Auvinen
429 26th Avenue
Santa Cruz, CA 95062

(831) 476-5506
(831) 477-0703 Fax

Respectfully Submitted,

/Stuart T Auvinen/

Stuart T. Auvinen
Agent for Applicant
Reg. No. 36,435

10